

**VIRGINIA BOARD OF NURSING
MINUTES
JANUARY 27, 2004**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:05 A.M. on January 27, 2004 in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

PRESIDING: Janet B. Younger, R.N., P.N.P., Ph.D., President

BOARD MEMBERS

PRESENT: Linda Ault, R.N., M.S.N., Vice President
Louise D. Hartz, Citizen Member, Secretary
Lynne M. Cooper, Citizen Member
Gregory J. Huber, R.N., M.S.N.
Carol E. King, L.P.N., M.S. (joined later)
Louisa Lief, R.N., M.S.
Denise Oppenhagen, R.N., B.S.N.
Judith E. Piersall, R.N., B.S.N.
Julia C. Semple, L.P.N. (joined later)
Brenda L. Spady, L.P.N. (joined later)
JoAnn Tillett, R.N. (joined later)

BOARD MEMBERS

ABSENT: Marion A. Alderman, Citizen Member

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jessica Ressler, R.N., Nursing Education Consultant
Susan Bell Rosen, R.N., F.N.P., J.D., Deputy Executive Director, Discipline
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education
Ann S. Hardy, R.N., M.S.N., Discipline Case Manager
Amy Davis, Administrative Assistant

OTHERS PRESENT: Elaine Yeatts, Regulatory Analyst, Department of Health Professions
Howard M. Casway, Senior Assistant Attorney General

**ESTABLISHMENT OF
A QUORUM:**

With eight members of the Board present, a quorum was established.

ANNOUNCEMENTS:

Next Committee of the Joint Boards of Nursing and Medicine meeting is scheduled for February 18, 2004.

ShaRon Clanton began employment as the receptionist for the Nurse Aide Registry December 10, 2003.

NCSBN mid year meeting will be held in Chicago on March 3 -5, 2004.

Eleanor Smith, former Executive Secretary, Virginia Board of Nursing died January 24, 2004. Ms. Hartz moved that the Board to adopt a resolution to

recognize Ms. Smith's service to the Board of Nursing for her many contributions to nursing regulation during 1971 – 1983.
The motion was seconded and carried unanimously.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed one item from the proposed consent agenda and adopted a motion by Ms. Hartz to accept the consent agenda which includes:

Minutes:

November 17, 2003 – Ms. Tillett
November 19, 2003 – Dr. Younger
November 19, 2003 – Ms. Ault
December 16, 2003 – Telephone Conference Call

Reports:

Finance Report
Open Cases Report
Case Summary Report
Case Standard Report
License Count Report
Examinations:
NNAAP
NCLEX
Probation Completed
Successful Completion of Health Practitioners Intervention Program

Ms. Hartz moved to accept the minutes of November 18, 2003 as amended
The motion was seconded and carried unanimously.

DIALOGUE WITH
MR. NEBIKER:

Ms. Douglas stated Mr. Nebiker is not available this morning due to General Assembly business, but may join the meeting later

Ms. Tillett and Ms. Spady joined the meeting.

LEGISLATIVE UPDATE: Ms. Yeatts reviewed information regarding the status of proposed bills being considered by the General Assembly.

REPORTS:

Health Practitioners Intervention Program:

Ms. Douglas reviewed the report as distributed and asked the Board if they would like for Dr. McKance-Katz to speak at the March 2004 board meeting. Board members indicated they would like to hear Dr. McKance-Katz.

Board of Health Professions:

Ms. Cooper reviewed information from the last meeting and informed the Board that she has been appointed to the Enforcement Committee. In addition, Ms. Cooper requested that staff schedule a presentation regarding the Sanction Reference Study at a future meeting.

By-laws Committee:

Ms. Hartz moved to adopt the by-laws as amended.
The motion was seconded and carried unanimously.

Nominating Committee:

Ms. Cooper presented the slate of officer for election for 2004,
Linda Ault, President, Dr. Janet Younger, Vice President and Denise
Oppenhagen, Secretary.
Ms. Hartz moved that the nominations be closed.
The motion was seconded and carried unanimously.

Ms. Hartz moved the slate be approved by acclamation.
The motion was seconded and carried unanimously.

Board Counsel:

Mr. Casway presented an update regarding the appeal submitted by Lisa Tindle,
originally set for December 5, 2003, Richmond Circuit Court has been
continued.

Ms. King and Ms. Semple joined the meeting.

**National Council of State Boards of Nursing (NCSBN) APRN Task Force
Update:**

Dr. Younger reported on the last meeting. Topics discussed included nurse
practitioners who have graduated from programs that are not accredited e.g.
programs at the Doctoral level. NCSBN's position that is preferable for states not
to license nurse practitioners in subspecialties.

RECESS: The Board recessed at 10:25 A.M.

RECONVENTION: The Board reconvened at 10:42 A.M.

OTHER MATTERS: **Pass Rate NCLEX-RN:**

Dr. Saxby reviewed information on changes being made. The passing standard
will increase beginning April 1, 2004 in conjunction with the new 2004 NCLEX-
RN test plan. It is expected that the national pass rate will decrease from 86.7%
to approximately 84%.

NCLEX Repeat Exam Policy:

Dr. Saxby reviewed information on the change from the previous 90 day wait
period for repeat exam to the current 45 day period.

NCLEX-RN On-Line Review Course:

Dr. Saxby and Ms. Ressler reported that they had previewed the on-line NCLEX
review course and recommended the course as a valuable resource for applicants
and licensed individuals.

Nurse Aide Registry Funding Issues:

Ms. Douglas reported that the department is still looking at a solution for the
funding for Nurse Aide Registry.

OIG Nurse Aide Registry survey:

Ms. Douglas reported that there has been no further communication from the Office of Inspector General.

Nurse Licensure Compact:

Ms. Douglas was not able to participate in the conference call on January 26, 2004 and will obtain a copy of the minutes from the call at a later date.

PUBLIC HEARING:

Proposed Action On Replacement Of Emergency Regulations For Increase In Nursing Fees Related To Nurse Licensure Compact and HB 1441:

No one signed in to address the Board. Dr. Younger stated written comments may be received through February 13, 2004 and that the Board will consider all comments before adoption of a final regulation scheduled for March 23, 2004.

Proposed Action On Regulations Governing The Practice Of Nursing, Chapter 18 VAC 90-20:

Four individuals addressed the Board regarding the proposed regulations. Dr. Younger stated written comments may be received through February 27, 2004 and that the Board will consider all comments before adoption of a final regulation scheduled for March 23, 2004.

Proposed Action On Regulations Governing Nurse Aides, Chapter 18, VAC 90-25:

One individual addressed the Board. Dr. Younger stated written comments may be received through February 27, 2004 and that the Board will consider all comments before adoption of a final regulation scheduled for March 23, 2004.

CLOSED SESSION:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 11:30 A.M. for the purpose of consideration and discussion of consent orders. Additionally, Ms. Hartz moved that Ms. Douglas, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Hardy, Mr. Casway and Ms. Davis attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 11:35 A.M.

Ms. Hartz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

CASE ADJUDICATION:

Consent Orders:

Esther Woolard Moran, L.P.N. 0002-023895

Ms. Hartz moved to accept the Consent Order for indefinite suspension of her license.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Cheryl B. Thompson, R.N. 0001-111978

Ms. Tillett moved to accept the Consent Order for the surrender of her license.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Alesia H. Todd, R.N. 0001-160881

Ms. Lief moved to accept the Consent Order for indefinite suspension of her license.

The motion was seconded and carried. Dr. Younger abstained from the vote, all others voted yes.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Marilyn A. Couric, R.N. 0001-140212

Ms. Ault moved to accept the Consent Order for surrender and indefinite suspension of her license.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Jonathan Mullins, C.N.A. 1401-095148

Ms. Tillett moved to accept the Consent Order to surrender and for indefinite suspension of his certification.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Stephanie Brown Pollard, R.N. 0001-149198

Ms. Hartz moved to accept the Consent Order for voluntary surrender of her license.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Eva Pauline Roberts, L.P.N. 0002-029839

Ms. King moved to accept the Consent Order for surrender and indefinite suspension of her license.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Isabel Z. Ballinger, R.N. 0001-074245

Ms. Semple moved to accept the Consent Order for the voluntary surrender of her license.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

RECESS:

The Board recessed at 11:45 A.M.

RECONVENTION:

The Board reconvened at 12:30 P.M.

EDUCATION
PROGRAMS:

The Board considered the recommendations of the Education Special Conference Committee from its meeting on January 27, 2004

Ms. Piersall moved that the Board of Nursing accept the report submitted by Richmond School of Health and Technology Charlottesville Campus.

The motion was seconded and carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 12:45 P.M.

Louise Hartz, Citizen Member
Secretary